

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 5, 2002

(Approved March 19, 2002)

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner, Prosecutor Bauer and Industry Liaison Okey.

Ronna Chappell of ILBA, Jim Purucker of WSWI, Lisa Goldner of Bose McKinney & Evans, and Jim Calvert were present as observers.

COMMUNICATIONS FROM THE FLOOR

There were no Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the February 19, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the March 5, 2002 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

BR1095913, RR03-18849 AND RR45-01433 – Hearing Judge Steiner stated these permittees were cited for violations and did not appear for their Pre-hearing Conference and did not appear for their Rule to Show Cause hearing. Each permittee was served a notice by mail of the Pre-hearing Conference and served in person for the Rule to Show Cause hearing. Hearing Judge Steiner recommended that the Commission revoke the permits.

Commissioner Marks moved to uphold the Hearing Judge's recommendation to revoke the permits. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Two hundred thirty-seven (237) renewals approved, twenty-six (26) new and/or transfer permits approved, five (5) permits conditionally approved, two (2) permits approved for first year escrow, and four (4) permits approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR13-19551 AND RR13-19550 KIM BUECHLER – Vice Chairperson Glass noted these are applications for a new type 103 permit and a new type 210-1 permit with the local board voting three (3) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permits. Motion seconded by Commissioner Marks and it was unanimously approved.

DL52-18855 VILLAGE PANTRY #642 – Vice Chairperson Glass noted this permittee applied for a type 115 permit, however, a type 116 permit is required.

Vice Chairperson Glass moved to make the conversion from the type 115 to the type 116. Motion seconded by Commissioner Marks and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make thirty-seven (37) permits inactive. Twenty-nine (29) permits are not subject to auction and eight (8) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR45-00820 FREDRICK BANKS – Commissioner Marks stated this permit was made inactive in error.

Commissioner Marks moved to reactivate this permit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RR71-95384 ALLEGRE, INC. – Chairperson DePrez stated this appeal would be assigned to a hearing officer and scheduled for an appeal hearing.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

JUNIOR LEAGUE OF SOUTH BEND, INC. – The Junior League of South Bend would like to hold a wine tasting for charity.

EVANSVILLE CATHOLIC HIGH SCHOOL BIG BINGO SPECTACULAR – The Evansville Catholic High Schools would like to serve donated alcoholic beverages at their Big Bingo Spectacular.

CONNER PRAIRIE – Conner Prairie is requesting permission to accept donations of alcoholic beverages for their not-for-profit institution.

AUBURN ELK'S LODGE – The Auburn Elk's Lodge is requesting permission to hold a wine tasting party to benefit cancer research.

PINNACLE SPRING WINE TASTING – Pinnacle is requesting permission to hold their annual Pinnacle Spring Wine Tasting at the Indiana Historical Society.

Vice Chairperson Glass moved to approve each of the above requests. Motion seconded by Commissioner Marks and it was unanimously approved.

POLICY DETERMINATIONS

There were no Policy Determinations.

UNDER ADVISEMENT

There was nothing Under Adviseement.

ANNOUNCEMENTS

Chairman DePrez stated Excise Superintendent Penny Davis would be making a quarterly presentation at the March 19, 2002 meeting.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER